

PREAMBLE

We the people, thankful to the Creator for our preservation, in order to preserve the heritage of our ancestors, promote justice and safeguard our interest, secure lands and resources, protect land that has always been Nipmuc, undertake economic and social development, promote the self-sufficiency of our Tribe, and otherwise govern the affairs of our Nation, do ordain and establish this Constitution of the Nipmuc Nation.

SECTION I TRIBAL MEMBERSHIP

A. Eligibility

A person is eligible to become a member of the Nipmuc Nation if he/she is either a blood descendant or an adopted child of a person or persons identified as Nipmuc. If an adopted child determined to be a member of the Nipmuc Nation has children, or adopted children, who are not otherwise identified as Nipmuc, such children are not eligible to become members of the Nipmuc Nation.

B. Application for Membership

Application for membership shall be by completion of an official registration form on behalf of each individual applicant.

C. Method for Determining Membership in the Nipmuc Nation

The method for determining membership in the Nipmuc Nation established by the Nipmuc Tribal Acknowledgment Project, Inc. shall be utilized in all cases to identify Members of the Nipmuc Nation and to determine if an applicant is eligible to be a Member of the Nipmuc Nation.

D. Office of Genealogy and Genealogy Committee

(1) *Office of Genealogy*

An Office of Genealogy shall be established by the Tribal Council and a tribal genealogist employed in order to accept applications for membership, undertake genealogical research, maintain the results of such research, maintain all confidential genealogical records, issue tribal membership cards, maintain the tribal roll, and furnish statistical information on the membership of the Nation.

(2) *Genealogy Committee*

The Tribal Council shall establish, from within the membership of the Nation, a Genealogy Committee to review genealogical research data and to make recommendations to the Office of Genealogy. The Genealogy Committee shall also be responsible for notifying applicants for membership in the Nipmuc Nation of the final determinations on their applications.

(3) *Appeals Regarding Denials of Membership*

An excluded applicant may appeal a denial of membership not more than six (6) months after notification of the denial of membership has been mailed by furnishing additional genealogical documentation to the Office of Genealogy.

E. Tribal Roll

A Tribal Roll shall be maintained on which shall be recorded the name of every person living who has applied for tribal membership and who has been certified to be a Member of the Nipmuc Nation.

All applicants for membership who are determined to be Members of the Nipmuc Nation shall be entered on the Tribal Roll of the Nipmuc Nation.

F. Ineligibility

No person may be a Member of the Nipmuc Nation while his or her name is on the roll of any other tribe or band.

G. Good Standing

Good Standing shall be a prerequisite to any of the privileges and benefits of Nipmuc Nation membership, including serving on any tribal committee or holding any tribal office. A Member of the Nation in Good Standing shall be a Member of the Nation who is listed on the official tribal roll of the Nation, who is not on Inactive Status, and who is not serving out a removal from Good Standing pursuant to a Judiciary Committee censure.

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H. Inactive Status

(1) *Definition*

Inactive Status is a mechanism to uphold and constitutes a penalty for not complying with the laws of the Nipmuc Nation. Inactive Status does not take away a member=s heritage or birthright and does not constitute removal from the Nipmuc Nation. Members placed on Inactive Status remain Members of the Nipmuc Nation.

(2) *Standard*

Any Member of the Nation who has failed to comply with this Constitution, or other law of the Nation, may be placed on Inactive Status by a two-thirds (2/3) vote of the Members of the Tribal Council in Good Standing. The Elders Council shall be notified of any and all Inactive Status and Extended Inactive Status hearings and votes and may make comments to the Tribal Council regarding such hearings and votes. Inactive Status shall be for a period not to exceed six (6) months. Extended Inactive Status shall be for an indefinite period of time.

(3) *Effect on Good Standing*

Any Member placed on Inactive Status is not a Member of the Nation in Good Standing.

(4) *Prohibitions*

Any Member placed on Inactive Status shall be referred to as an Inactive Member and during the period of Inactive Status shall:

- (a) not be allowed to attend any meetings or private functions of the Nation or Tribal Council;
- (b) not be eligible to run for Tribal Council office or serve on any committee or administrative or regulatory structure of the Nation;
- (c) not be eligible to vote in any Nation election;
- (d) not be eligible to receive any stipend from the Nation;
- (e) be suspended from any position or office in the Nation; and
- (f) be subject to any other penalties imposed by a two-thirds (2/3) vote of the Tribal Council in the best interests of the Nation.

(5) *Right to Hearings*

(a) *First Hearing*

Within seventy-two (72) hours of a Tribal Council vote placing a Member on Inactive Status, the Tribal Council shall, if requested by the Inactive Member, hold a special closed hearing of the Tribal Council during which the Inactive Member shall have an opportunity to present evidence in his/her favor or defense, with the assistance of legal counsel of his/her choosing, and seek reconsideration of the Tribal Council=s vote placing such individual on Inactive Status.

(b) *Second Hearing*

Within fourteen (14) days of the expiration of an Inactive Status Designation, the Tribal Council shall, if requested by the Inactive Member, hold a second special closed hearing of the Tribal Council during which the Inactive Member shall have an opportunity to present evidence in his/her favor or defense, with the assistance of legal counsel of his/her choosing. The Second Hearing shall be held within thirty (30) days of the Tribal Council=s receipt of the request from the Inactive Member and no later than thirty (30) days after the expiration of the Inactive Status Designation.

(6) *Extended Inactive Status*

Within thirty (30) days following the date of the expiration of an Inactive Status Designation, the Tribal Council shall vote and issue a final decision on whether the Designation shall be continued. An Inactive Status Designation may be continued only by a two-thirds (2/3) vote of the Members of the Tribal Council in Good Standing at the time of the vote. If two-thirds (2/3) of the Members of the Tribal Council in Good Standing vote to continue an Inactive Status Designation, then the Inactive Member shall be placed on Extended Inactive Status until such time as two-thirds (2/3) of the Members of the

Tribal Council in Good Standing vote to reconsider the Inactive Member=s status. If two-thirds (2/3) of the Members of the Tribal Council in Good Standing do not vote in favor of continuing an Inactive Status Designation, then the Inactive Member shall be reinstated as a Member of the Nation in Good Standing. A Member on Extended Inactive Status may appeal to a vote of the entire Nation for restoration to Good Standing. Such vote shall be taken, by the Election Committee, at the next Annual September Meeting or at an earlier meeting of the Nation.

(7) *Judiciary Committee*

The Tribal Council may delegate the authority granted to it pursuant to this Part to the Nation=s Judiciary Committee.

SECTION II TRIBAL GOVERNMENT

A. Tribal Government Composition

The Tribal Government of the Nipmuc Nation shall be comprised of a Tribal Council who will steadfastly honor the best interests of the Nation. There shall be ~~fifteen (15)~~ ten (10) positions on the Tribal Council. No person is eligible to serve on the Tribal Council unless and until he/she is a Qualified Voter of the Nation. Members of the Tribal Council shall be elected by the Qualified Voters. The Tribal Chairperson, Vice Chairperson, Treasurer, and Tribal Clerk shall be elected by the Members of the Tribal Council in Good Standing from within the Tribal Council=s membership.

B. Terms of Office

Subject to the provisions of this Constitution, the Term of Office for all Tribal Council Members shall be six (6) years. Unless removed pursuant to this Constitution or other law of the Nation, every Member shall hold Office until his/her successor is elected and duly qualified.

C. Nomination for Office

Candidates for the elective offices of the Nipmuc Nation shall be Qualified Voters, nominated and seconded to have their names placed on the ballot at a Nation meeting preceding the election. The Tribal Clerk shall notify the Election Committee, as soon as practicable, of all such nominations.

Candidates may only be nominated by other Qualified Voters. A list of all candidates so nominated will be made available to all Qualified Voters and posted in designated, conspicuous places prior to the election.

D. Oath

All Tribal Council Members shall take the following Oath before they assume their duties on the Tribal Council:

I, (NAME) being by the vote of the electors of the Nipmuc Nation elected to the Tribal Council do solemnly swear or affirm to be true and faithful unto the Nipmuc Nation and to support the Nipmuc Nation Constitution, Bylaws, and other laws, that I will faithfully and impartially discharge all the duties of my aforesaid office to the best of my abilities according to the Nipmuc

Nation Constitution, Bylaws, and other laws and that I will, at all times, promote and protect the interest of the people of the Nipmuc Nation.

Any oath taken pursuant to the provisions of this Part shall be administered at a time and in a manner determined by the Traditional Government of the Nation. Notwithstanding the obligations and duties imposed by the administration of the Oath, all Members elected to the Nation=s Tribal Council will owe a duty of loyalty and utmost good faith to the Nation from the time they are elected until the expiration of their terms of office.

E. Vacancy

(1) *Tribal Council Seats*

- (a) If a vacancy occurs in one of the fifteen (15) Tribal Council Seats, then the candidate who received the next highest number of votes, but was not elected to the Tribal Council at the previous election, shall assume the Seat for the remainder of the term. If such candidate is unavailable to serve, then the candidate who received the next highest number of votes, but was not elected to the Tribal Council, shall assume the Seat for the remainder of the term.
- (b) If no person is available to fill the vacant Tribal Council Seat pursuant to the provisions of subsection (1)(a), above, and if the vacancy occurs more than one hundred eighty (180) days before the holding of the next regularly scheduled General Election, the Election Committee shall call a Special Election for the purpose of filling the vacancy for the remainder of the term. The Special Election shall be held within ninety (90) days of the date of the occurrence of the vacancy. Subject to the provisions of this Constitution, Special Elections, as defined in this subsection, are the only Nation elections of Tribal Council Members that may be held on dates other than the Annual September Meeting, unless there is good cause to do otherwise. The Election Committee shall provide all Qualified Voters of the Nation with at least thirty (30) days notice of any Special Election.

(2) *Chairperson*

If a vacancy occurs in the office of Chairperson, then the Vice Chairperson shall assume the office of Chairperson for the remainder of the vacating Chairperson=s term, and the remaining Members of the Tribal Council in Good Standing shall elect, from among the remaining Tribal Council Members in Good Standing, a new Vice Chairperson to assume the office of Vice Chairperson for the remainder of the vacating Vice Chairperson=s term.

(3) *Other Elected Offices*

If a vacancy occurs in the office of Vice Chairperson, Tribal Clerk, or Tribal Treasurer, then the remaining Members of the Tribal Council in Good Standing shall elect, from among the remaining Members of the Tribal Council in Good Standing, a person to assume the Elected Office for the remainder of the vacated term.

F. Tribal Council Qualifications

No Member of the Tribal Council shall hold any other Nipmuc Nation office that carries a salary, unless and until he/she shall have resigned from the Tribal Council, unless the other Members of the Tribal Council authorize the Member to hold the position and the Member does not participate in determining his/her remuneration for holding such position. If any Member of the Tribal Council shall cease to possess any of the qualifications specified in this Constitution, or while in office is convicted of a felony or any other crime not a felony but involving moral turpitude, he/she shall immediately forfeit his/her office.

G. Condemnation of Tribal Council Members

(1) *Removal from Tribal Council*

Any Member of the Nipmuc Nation may file a statement, signed by no less than ten percent (10%) of the Qualified Voters, charging that any Member or Members of the Tribal Council has or have ceased to possess the qualifications specified in this Constitution or has or have been convicted of a felony or any other crime not a felony but involving moral turpitude. Such statement shall detail the particulars regarding the alleged lack of qualifications or conviction. The Tribal Clerk shall present such charges to the Tribal Council at its next meeting, and such charges shall be referred to the Nation=s Judiciary Committee for review. The Judiciary Committee shall make recommendations to the Tribal Council regarding removal, and the Tribal Council shall conduct a vote thereon. If two-thirds (2/3) of the Tribal Council Members in Good Standing vote to remove a Tribal Council Member, then such Member shall be immediately removed from the Tribal Council. The Removed Member may appeal to a vote of the entire Nation to be reinstated. Such vote shall be taken, by the Election Committee, at the next Annual September Meeting. To be reinstated, the Member must receive a majority vote of the valid ballots cast at the Annual September Meeting.

(2) *Inactive Status*

Tribal Council Members may be subject to the Inactive Status procedure defined in SECTION I. If a Tribal Council Member becomes the subject of an Inactive Status proceeding, he or she may not participate in the Tribal Council=s deliberations on such proceeding. A Member of the Tribal Council placed on Inactive Status shall be suspended from the Tribal Council without stipend.

(3) *Other Penalties*

Tribal Council Members are subject to any other penalties that may be imposed against any Member of the Nation pursuant to this Constitution or other law of the Nation.

H. Traditional Government

(1) *Purpose and Composition*

The Traditional Government of the Nipmuc Nation shall cultivate and perpetuate the customs, heritage, and religion of the Nipmuc Nation and shall include the current Hassanamisco Chief and an Elders Council whose members shall have attained sixty-five (65) years of age.

(2) *Chief of the Nipmuc Nation*

The position of Chief will be the only lifetime position within the Nipmuc Nation. The current Hassanamisco Chief will continue to be the Chief of the Nipmuc Nation. The Chief may give advice to the Tribal Council and other Members of the Nation in his capacity as Chief. The Chief may also be requested by the Tribal Council to be the official representative of the Nation at social functions, conventions, and other public and/or private meetings. The Chief shall nominate three (3) successors who may assume the position of Chief. The Elders Council shall be responsible for choosing the next Chief from amongst the Nominees. The Nominees must be Members of the Nation in Good Standing.

(3) *Spiritual Leader for the Nation*

The Chief shall appoint a Spiritual Leader for the Nation. The Chief may appoint himself/herself to serve as Spiritual Leader. The Spiritual Leader must be a Member of the Nation in Good Standing.

(4) *Relationship with the Nation=s Tribal Council*

The responsibilities associated with the day-to-day business, legal, and political affairs of the Nation are, pursuant to this Constitution, specifically delegated to the Nation=s Tribal Council. The Traditional Government may, however, give cultural and spiritual advice and make comments to the Tribal Council regarding its actions. The Traditional Government may also provide the Tribal Council with its interpretation of the philosophy of the Nipmuc Nation.

I. Election of Officers

At its first meeting following any General Election, or as soon thereafter as possible, the Tribal Council shall elect from among its own Members, a Chairperson, Vice Chairperson, Tribal Clerk, Treasurer, and such other officers as may be deemed necessary. The affirmative vote of a majority of all Members of the Tribal Council in Good Standing shall be required for each such election. The persons elected to Chairperson, Vice Chairperson, Tribal Clerk, and Treasurer shall serve a two (2) year term in such offices, unless two-thirds (2/3) of the Members of the Tribal Council in Good Standing vote to remove them and elect different persons to such offices. If new persons are elected pursuant to the provisions of this Part, they will hold those offices for the remainder of the two (2) year term of the office they assumed. Any other positions designated pursuant to the provisions of this Part may either be eliminated or restaffed by a majority vote of the Members of the Tribal Council in Good Standing.

J. Establishing a Fifteen Member Tribal Council with Staggered Terms of Office

(1) *Current Tribal Council Members*

The Tribal Council Members who occupy positions on the Tribal Council at the time of the ratification of this Amendment shall remain in office following the ratification of this Amendment.

(2) *Election of Tribal Council Members*

Upon the ratification of this Amendment, a Nation election shall be held pursuant to the provisions of SECTION VII to fill the vacant seats on the Tribal Council. The Tribal Council members elected at such election shall have six (6) year terms of office.

(3) *Lottery to Establish Staggered Terms of Office*

- (a) The Tribal Council Members who occupy positions on the Tribal Council at the time of the ratification of this Amendment shall participate in the Lottery defined in this subsection to determine whether they will have two (2) or four (4) year Terms of Office.
- (b) *The Lottery*
 - (i) The Election Committee shall conduct a Lottery in accordance with the purpose stated in this subsection.
 - (ii) The Election Committee and a majority of the Members of the Tribal Council in Good Standing must be present at the Lottery. All drawings must be publicly stated and disclosed to all people present at the Lottery.
 - (iii) The purpose of the Lottery is to assign the Tribal Council Members who occupy positions on the Tribal Council at the time of the ratification of this Amendment with a number from one (1) to (10) to determine the length of such Members= Terms of Office.

(4) *Initial Terms of Office*

- (a) The Tribal Council Members who draw numbers one (1) through five (5) at the Lottery shall be designated to serve two (2) year Terms of Office that will commence on the date of the first Annual September Meeting that follows the Lottery. If the Annual September Meeting has, however, passed within the one hundred eighty (180) days preceding the Lottery, then the two (2) year Terms designated in this subsection shall be deemed to have retroactively begun on the date of the preceding Annual September Meeting. The next General Election, held pursuant to SECTION VII, shall be held on the date that these Terms expire.
- (b) The Tribal Council Members who draw numbers six (6) through ten (10) at the Lottery shall be designated to serve four (4) year Initial Terms of Office that will commence on the date of the first Annual September Meeting that follows the Lottery. If the Annual September Meeting has, however, passed within the one hundred eighty (180) days preceding the Lottery, then the four (4) year Terms designated in this subsection shall be deemed to have retroactively begun on the date of the preceding Annual September Meeting. The second General Election, held pursuant to SECTION VII, shall be held on the date that these Terms expire.
- (c) The Tribal Council Members who are elected to the Tribal Council at the first election following the ratification of this Amendment shall be designated to serve six (6) year Initial Terms of Office that will commence on the date of the first Annual September Meeting that follows the Lottery. If the Annual September Meeting has, however, passed within the one hundred eighty (180) preceding the Lottery, then the six (6) year Terms designated in this subsection shall be deemed to have retroactively begun on the date of the preceding Annual September Meeting. The third General Election, held pursuant to SECTION VII, shall be held on the date that these Terms expire.

(5) *Election of Officers of the Tribal Council*

After the election referenced in this Part is held, the Tribal Council shall hold a Special Meeting to elect a Chairperson, Vice Chairperson, Tribal Clerk, and Tribal Treasurer. A majority of the Members of the Tribal Council in Good Standing must be present at such meeting. A majority of those present must approve of the elections. The Chairperson, Vice Chairperson, Tribal Clerk, and Treasurer shall assume the duties and responsibilities of their respective offices at the time of their election.

K. Voting for Tribal Council Members

(1) All voting will be by secret ballot and Candidates for the vacant Nipmuc Nation Tribal offices receiving the highest number of votes shall be deemed and declared elected to such offices. The persons elected to such offices shall assume their duties at the time the Election Committee determines that they have been elected.

(2) At all elections for Tribal Council, the Qualified Voters shall be instructed that if they cast votes for a greater number of candidates than there are vacancies on the Tribal Council, then all of the votes on that ballot cast for Tribal Council candidates shall be disregarded.

L. Monies and Papers of Office

Whenever any Tribal Council member, committee member, officer, administrator, or employee of the Nipmuc Nation shall resign or be removed from office or the term for which he/she has been elected or appointed shall expire, he/she shall, on written demand, deliver over to his/her successor all the books, papers, monies, and effects of his/her position that are in his/her custody and/or control. Every person violating this provision shall be deemed guilty of impeding the efforts of the Nipmuc Nation and shall be charged twenty-five dollars (\$25.00) per day until all materials and/or monies are returned.

SECTION III

TRIBAL COUNCIL AUTHORITY

Express powers and responsibilities of the Tribal Council shall include but not be limited to:

- A. Adopt laws and regulations for the general government of the Nation; govern the management of real and personal property; maintain and secure funds held by the Nation; establish such committees and administrative or regulatory structures as may be or become necessary to the political, economic and social development of a cohesive Nipmuc Nation.
- B. Establish laws not inconsistent with this Constitution but for any and all of the following purposes. NAMELY:
 - (1) The prevention of disorderly conduct and nuisances.
 - (2) The regulation of the conduct of non-Indian persons on Nipmuc Property.
 - (3) The appropriation of expenditures and other expenses of the Nation, and the disbursement of funds to Nation committees and regulatory structures.

- (4) The appointment and/or confirmation of officials to conduct the business of the Nation, prescribing their duties and providing for their remuneration where appropriate.
- (5) The establishment of Corporations under the laws of any state or nation and the appointment of the interim directors of such Corporation.
- (6) Compensation and stipends of officers and employees: The Tribal Council shall have the authority to establish fair procedures and/or appropriate regulatory structures to determine the compensation of and stipends received by officers and employees of the Nipmuc Nation. Each officer and employee of the Nipmuc Nation shall continue to receive the compensation or stipend received by him/her at the time of the ratification of this amended Constitution.
- (7) The Tribal Council, in conjunction with the Elders Council, may recommend permanent disenfranchisement of any Member of the Nation for serious violations of any of the provisions of this Constitution, Bylaws, or any other law made pursuant thereto. A majority vote of the Qualified Voters present at a Special Meeting of the Nation called for that purpose will be necessary to cause such Member to be permanently disenfranchised. Any person so disenfranchised may apply for membership in any other Tribe or Band, and the decision regarding membership in such other Tribe or Band will be the responsibility of such other Tribe or Band.
- (8) Acquisition of land or interest therein for the Nation, through gift, grant, inheritance, legislation, litigation, purchase or any other means.
- (9) Employment of accountants and legal counsel for the advancement and protection of the rights of the Nipmuc Nation and its Members.
- (10) Acceptance of grants, donations or awards of money or property from any person, State or local government, United States, or from any other source.
- (11) Negotiating and/or contracting with the United States government or any other State or local government or governmental agency on behalf of the Nation, and consulting with representatives of any Federal, State, or local agencies on all activities of such agencies which may affect the people of the Nation.
- (12) The designation of banks, trust companies, or other formal depository institutions for the deposit of monies of the Nation.
- (13) The definition of conduct that will be subject to punishment by the Nation=s government.
- (14) The adoption of laws pursuant to which the members of the Nation will be bound and the affairs of the Nation will be governed.

C. Jurisdiction

The Jurisdiction of the Nipmuc Nation shall constitute the aboriginal territory of the Nipmuc people. The Jurisdiction of the Nipmuc Nation shall also include any land taken into trust for the Nation by the United States Federal Government and any other land that the Nation acquires.

SECTION IV

TRIBAL COUNCIL DUTIES

A. Duties of Tribal Chairperson

Subject to the other provisions of this Constitution and except as otherwise provided therein, the powers and duties of the Tribal Chairperson shall be as follows:

- (1) To be at all times vigilant and active in causing the laws of the Nipmuc Nation to be executed and enforced.
- (2) To supervise the preparation of and submit to the Tribal Council an annual budget estimate.
- (3) To call Special Meetings of the Tribal Council in the manner provided for in this Constitution, whenever in his/her judgment the good of the Nipmuc Nation shall require the same.
- (4) To communicate to the Tribal Council from time to time all such information and recommend all such measures as the business and interest of the Nipmuc Nation may in his/her opinion require.
- (5) To see that all officers of the Nipmuc Nation faithfully comply with and discharge their official duties.
- (6) To coordinate and enforce cooperation between all committees, Boards, departments, and administrative and regulatory structures of the Nipmuc Nation.
- (7) To cause the affairs of committees, Boards, departments, and administrative and regulatory structures of the Nipmuc Nation to be examined whenever in his/her judgment the good of the Nipmuc Nation shall require the same.
- (8) To have and exercise all powers and duties in the office of the Tribal Chairperson and all such powers and duties as may be hereafter vested in said office by this Constitution or other law of the Nation.

B. Duties of Tribal Vice Chairperson

Subject to the other provisions of this Constitution and except as otherwise provided therein, the powers and duties of the Tribal Vice Chairperson shall be as follows:

- (1) To preside over any meeting of the Tribal Council or the Nipmuc Nation in the event that the Tribal Chairperson is absent from such meeting.
- (2) To discharge all the duties and responsibilities of the Tribal Chairperson in the event that the Tribal Chairperson is, for any and all reasons, unable to discharge the duties and

responsibilities designated to him/her pursuant to this Constitution or other law of the Nation.

C. Duties of Tribal Clerk

Subject to the other provisions of this Constitution and except as otherwise provided therein, the powers and duties of the Tribal Clerk shall be as follows:

- (1) To attend all meetings of the Tribal Council and keep a journal of the acts and proceedings thereof, and in case of his/her absence from any meeting, the Tribal Council shall elect one of its members as clerk pro tempore.
- (2) To keep on file all papers as are required by the Tribal Council and where appropriate, to cause such papers to be stored in the Nation=s Library and if applicable, marked APrivileged.@
- (3) To perform such other duties as may be required by the Chairperson, Vice Chairperson, and/or Tribal Council.

D. Duties of Treasurer

Subject to the other provisions of this Constitution and except as otherwise provided therein, the powers and duties of the Treasurer shall be as follows:

- (1) To deposit to the credit of the Nipmuc Nation immediately after the receipt thereof, all sums of money received by him/her with banks or trust companies that the Tribal Council may designate for the deposit of the monies of the Nipmuc Nation.
- (2) To make a written report to the Tribal Council, on or before the 30th day of June and the 30th day of each December in each year, which shows the receipts and disbursements during the preceding six (6) month period, the balance in the Nation=s Treasury, and the issues and payments of the Nation=s debt during the preceding six (6) months.
- (3) To ensure that funds of the Nipmuc Nation are not paid out or otherwise disbursed, except when so authorized by Resolution duly passed by the Tribal Council.

E. Duties of Tribal Council

- (1) *The Nation=s Library*
 - (a) Whenever the Tribal Council passes an Ordinance, Resolution, or other law of the Nation that prescribes, in any manner, the conduct that Members of the Nation must follow, such law shall be reduced to writing and a copy of such law shall be, subject to the provisions of this Part, kept at the Tribal Council offices for inspection by Members of the Nation in Good Standing. The place where such papers are kept shall be called the Nation=s Library.
 - (b) Members of the Nation in Good Standing may access documents stored in the Nation=s Library, provided that:

- (i) Documents that contain information which the Tribal Council, by a majority vote, determines to be of such a sensitive nature that such documents should be deemed Privileged Documents shall not generally be made available to Members of the Nation.
- (ii) If any Member of the Nation in Good Standing requests to see documents, the Tribal Council shall, within a reasonable time of receiving such request, make the documents available to such Member, provided that such documents are not Privileged Documents.
- (iii) If any Member of the Nation in Good Standing seeks access to a Privileged Document, the Tribal Council may disclose such Privileged Document only if a majority of the Tribal Council votes that the Member will be seriously adversely affected if his/her access to the Document is denied.
- (iv) Any Member of the Nation, including any individual who works in the Nation=s Library, who discloses the contents, substance, or implications of any Privileged Document, or any part thereof, will be subject to censure or other penalty defined by the Nation=s government.

(2) *Committee Duties*

Whenever any committee is unable to discharge its duties, the Tribal Council shall be responsible for discharging such committee=s duties.

(3) *Record of Tribal Council Meetings*

Full and accurate records of the proceedings of the Tribal Council shall be maintained and stored at the Nation=s Library. All portions of such records which are not deemed Privileged shall be made available to Members of the Nation in Good Standing for their review.

SECTION V MEETINGS

A. Types of Meetings

(1) *Regular Meetings of the Tribal Council*

The Tribal Council shall meet at least once each month. The Tribal Council shall develop a regular meeting schedule that may be amended by a majority vote of the Members of the Tribal Council in Good Standing. The Tribal Council shall post notice of their meetings at the Tribal Council office and by any other feasible media, such as the Nation=s worldwide-web site. At least one meeting per month shall be open to the Members of the Nation in Good Standing.

(2) *Special Meetings of the Tribal Council*

Special meetings of the Tribal Council may be called by the Tribal Chairperson or any other Members of the Tribal Council, so authorized by the Tribal Council. The Tribal Clerk or, in his/her absence, other Members of the Tribal Council so authorized by the Tribal Council, shall personally serve notice of any Special Meeting on each Member of the Tribal Council in Good Standing, or at least seven (7) days notice of any Special Meeting shall be given to each Member of the Tribal Council in Good Standing in any other manner prescribed by the Tribal Council. The Tribal Council may, by a unanimous vote of its Members in Good Standing, waive notice of any meeting called pursuant to this subsection.

(3) *Executive Sessions of the Tribal Council*

All meetings of the Tribal Council shall be open to the Members of the Nation in Good Standing, provided that the Tribal Council may upon the affirmative vote of eight (8) of its Members authorize an executive session. The Tribal Council shall authorize executive sessions only when it addresses serious issues that are either sensitive to the Nation or to an individual Member of the Nation. Each Tribal Council Member has a duty to ensure that executive sessions are used only when necessary. The Tribal Council may at any Public Meeting authorize an executive session only after all other issues on the meeting=s agenda have been addressed. Prior to any Public Meeting, the Tribal Council may schedule time, either before or after the time allotted to the Public Meeting, in which to hold an executive session. If any Member of the Tribal Council fails to maintain the confidentiality of the matters addressed during executive sessions, then such Member shall be subject to any penalty imposed by this Constitution or other law of the Nation.

(4) *Annual September Meetings of the Nation*

Every September, during Homecoming, there will be an AAnnual September Meeting@ of the Nation. The agenda of every Annual September Meeting shall include a financial report and a report prepared by the Tribal Council on the affairs of the Nation. The Annual September Meeting shall be held in accordance with the procedures, defined in SECTION V, Part C. of this Constitution. General Elections shall occur at every other Annual September Meeting.

(5) *Special Meetings of the Nation*

Special Meetings of the Nation may be called by either two-thirds (2/3) of the Tribal Council Members in Good Standing or eighty (80) Qualified Voters who file a petition for a Special Meeting with the Tribal Clerk. The Tribal Clerk, or in his/her absence, other Members of the Tribal Council, shall personally serve notice of all Special Meetings of the Nation on each Member of the Nation in Good Standing, or notice of any Special Meeting shall be given to each Member of the Nation in Good Standing in any other manner prescribed by the Tribal Council at least seven (7) days prior to such meeting.

B. Quorum of the Tribal Council

A majority of the Tribal Council Members in Good Standing constitutes a Quorum of the Tribal Council and is necessary to hold any meeting or vote of the Tribal Council.

C. Procedure To Be Followed at Meetings

(1) *Maintaining Order at Meetings*

- (a) The Chairperson shall preside over meetings of the Tribal Council and of the Nation. If the Tribal Chairperson is absent from any meeting, the Vice Chairperson shall preside over such meeting.

(b) *Rules of Order*

The Tribal Council, from time to time, may establish rules for maintaining order at meetings. In cases where applicable rules have not been adopted, such meetings shall be governed by the Talking stick.®

(2) *Public Comment at Meetings*

At the beginning of all Public Meetings, there shall be at least fifteen minutes open for public comment from Members of the Nation, or from such other guests as may be accommodated by an affirmative vote of a majority of the Tribal Council. The Tribal Council shall develop procedures to govern the manner in which the Tribal Council receives, addresses, and considers public comments and the manner in which interested persons apply for time to make public comments. The Tribal Council shall grant or otherwise accommodate any request to have an item placed on the agenda of a future meeting within a reasonable time of receiving such request.

(3) *Attendance of Tribal Chief at Meetings*

The Chief may attend Tribal Council meetings and may give advice at such meetings to the Tribal Council and other Members of the Nation. If, at any meeting, the Tribal Council requests the advice of the Chief or if the Chief wishes to give his advice as Chief, and the Chief is a Member of the Tribal Council; then the Tribal Clerk shall note that the Chief is not acting in his capacity as a Tribal Council Member but is acting as an adviser pursuant to the customs of the Nation. If the Chief, at any Tribal Council meeting, acts in his capacity as Chief; he must recuse himself from participating in deciding the particular issue, and he may neither vote nor be counted to achieve a quorum.

(4) *Questions of Procedure*

All questions of procedure shall be decided by motion of the Tribal Council or, if no objection is heard, by ruling of the Tribal Chairperson.

D. Compelling Attendance of Tribal Council Members

A less number of Members of the Tribal Council than a quorum may adjourn from time to time and compel the attendance of absent Members in such manner and under such penalties as may be described by this Constitution or other law of the Nation.

**SECTION VI
ORDINANCES AND RESOLUTIONS**

A. Ordinances

All final decisions of the Tribal Council on matters of general and permanent interest to the Members of the Nipmuc Nation shall be embodied in Ordinances. Such Ordinances shall be collected and published quarterly for the information and education of the Members of the Nation in Good Standing.

B. Resolutions

All final decisions of the Tribal Council on matters of temporary interest, such as action on the Tribal budget for a single year or petitions in Congress or to the Secretary of the Interior, or relating especially to particular individuals or officials, such as instructions for employees or rules of order for the Tribal Council, shall be embodied in Resolutions. Such Resolutions shall be duly executed and recorded in a book which shall, at the Nation=s Library, be open for inspection by Members of the Nation in Good Standing.

C. Document Format

Every Ordinance shall begin with the words ABe it enacted by the Tribal Council of the Nipmuc Nation.@ Every Resolution shall begin with the words ABe it resolved by the Nipmuc Nation.@

D. Time Requirement

No Ordinance or Resolution shall be so amended in its passage as to change its original purpose. No Ordinance shall be passed until it has been read on two (2) separate days, nor until at least forty-eight (48) hours have elapsed between the first and second readings, provided that the requirements for a second reading may be dispensed with in the case of an emergency Ordinance by vote of not less than eight (8) of the Members of the Tribal Council. The purpose of this Part is to ensure continuity and adequate time for the consideration of the provisions of any Ordinance.

E. Investigations and Hearings

When any Ordinance or Resolution shall be tabled by the Tribal Council for further investigation, the Tribal Council may hold a Nation hearing on such Ordinance or Resolution. If a petition for a Nation hearing on any Ordinance or Resolution is signed by at least eighty (80) Qualified Voters and is presented to the Tribal Clerk, then the Tribal Council shall hold a Nation hearing or hearings on such Ordinance or Resolution. The Tribal Clerk shall give at least thirty (30) days notice of any such hearing.

F. Questions of Procedure

All questions of procedure, such as acceptance of committee reports or invitations to outsiders to speak, shall be decided by motion of the Tribal Council or, if no objection is heard, by ruling of the Tribal Chairperson.

G. Majority Required

On all Ordinances, Resolutions, or motions, the Tribal Council may act by majority vote, except as may be otherwise expressly provided in this Constitution, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SECTION VII VOTING

A. Election Committee

The Tribal Council shall appoint three Qualified Voters, who are not Members of the Tribal Council, to serve as Election Administrators for terms of three years. The Election Administrators shall constitute the Election Committee. The Election Administrators shall have the authority to delegate responsibility amongst themselves to fulfill the duties of the Election Committee. The responsibilities of the Election Committee shall include the following:

- (1) Prepare ballots;
- (2) Serve as co-chairpersons of the meeting where any election or vote is conducted;
- (3) Establish the procedure for voting, counting, and securing ballots;
- (4) Work with the Tribal Council office to maintain an up-to-date list of Qualified Voters;
- (5) Make provisions for the secrecy of voting;

- (6) Establish procedures for absentee voting;
- (7) Nullify the results of any election or vote at which, due to a snowstorm or other Act of the Creator, the attendance of a reasonable number of Qualified Voters was prevented; and
- (8) Petition the Tribal Council for reasonable disbursements and/or support to fulfill its duties, by submitting a written statement of the reasons why such disbursements and support are needed.

B. Election Committee Certifications

As early as practicable following his/her appointment, each Election Administrator must certify to the Tribal Council that:

- (1) He/she has accepted his/her appointment to serve on the Election Committee;
- (2) He/she is not, and during his/her appointment to the Election Committee will not become, a candidate for Tribal Council;
- (3) During any Election Administrator=s service on the Election Committee, any votes that would happen to be cast to elect such Election Administrator to the Tribal Council will be disregarded; and
- (4) He/she will, to the best of his/her ability, ensure that all elections and other votes of the Nation that happen or occur during his/her appointment to the Election Committee will be fairly and impartially administered.

C. Qualified Voter

Only Qualified Voters of the Nation may vote in any Nation election or other vote of the Nation. To be a Qualified Voter, a Member of the Nation must be listed on the official Tribal Roll of the Nation, be in Good Standing with the Nation, and be eighteen (18) years of age by the next Annual September Meeting or vote of the Nation.

D. Proxy Voting

There will be no proxy voting for any elections or votes held by the Nipmuc Nation.

E. Election Committee Records

The Election Committee shall, in a secure place, keep a full and complete record of all actions taken and determinations made pursuant to the provisions of this SECTION.

F. General Elections

A General Election shall be defined as the Nation election that is held at every other Annual September Meeting pursuant to the provisions of this SECTION.

G. Referendum Questions

- (1) Any Qualified Voter may propose Referendum Questions to be voted on at the next Annual September Meeting.
- (2) The Election Committee shall hold a vote on any Referendum Question at the next Annual September Meeting if:
 - (a) the Qualified Voter proposing the Referendum Question, the Proposing Member, publicly states, at a Public Meeting of the Nation or other place authorized by the Tribal Council, the substance of the Referendum Question and his/her intention to request a Nation vote on the Referendum Question; and
 - (b) the Proposing Member obtains the signatures of at least eighty (80) Qualified Voters, who certify that the Referendum Question should be voted on by the Nation, and delivers them to the Election Committee at least ninety (90) days prior to the next Annual September Meeting.
- (3) If a Referendum Question passes by a majority vote, then the Tribal Council shall implement the substance of the Referendum Question within a reasonable time.

SECTION VIII
JUDICIARY COMMITTEE

A. Establishment of Judiciary Committee

The Tribal Council shall establish a Judiciary Committee.

B. Representation of the Elders Council on the Judiciary Committee

At least one member of the Nation=s Judiciary Committee shall be a member of the Nation=s Elders Council.

C. Scope of Judiciary Committee=s Powers

The Judiciary Committee shall have the authority to establish a Tribal Court to adjudicate cases and controversies that arise either between Members of the Nation, any Member(s) and the Nation, or within the Jurisdiction of the Nation. The Judiciary Committee and Tribal Court shall have the authority to construe the meaning of this Constitution and all other laws of the Nation. The Judiciary Committee and Tribal Court shall have the authority to impose any penalty defined by this Constitution or other law of the Nation.

D. Definition of Procedure

The Judiciary Committee shall be responsible for defining, subject to the Tribal Council=s approval, the procedures it will follow.

E. Penalty of Censure

Notwithstanding any mandate of the Tribal Council, the Judiciary Committee and Tribal Court shall have the power to impose the penalty of censure upon Members who violate the laws of the Nation. The penalty of censure shall be defined, in the Judiciary Committee or Tribal Court=s discretion, as an appropriate reprimand based on the facts and circumstances of a particular case. Whenever the Judiciary Committee or Tribal Court imposes the penalty of censure upon a Member, it shall prepare a written decision which states the facts, the principles of law that it considered, and the reasoning that it followed in rendering the decision.

F. Written Decisions

A record of all written decisions made pursuant to this Section shall be maintained in the Nation=s Library and made accessible to Members of the Nation in Good Standing. Every written decision shall have precedential weight, and the Judiciary Committee shall not employ reasoning inconsistent with its past decisions unless it has good cause to do so.

G. Appellate Jurisdiction of Tribal Council

The Tribal Council shall have appellate jurisdiction over all decisions that the Judiciary Committee or Tribal Court renders. Any Member of the Tribal Council, who has any interest in a case or controversy being appealed to it, must recuse himself or herself from participating in the decision on appeal. The Tribal Council may require a Member to recuse himself or herself on any particular case.

H. Disbursements

The Judiciary Committee may petition the Tribal Council for reasonable disbursements and/or support to fulfill its duties, by submitting a written statement of the reasons why such disbursements and support are needed.

SECTION IX AMENDMENTS

A. Ratification of Amendments

This Constitution may be amended by a vote of two-thirds (2/3) of the Qualified Voters at any Annual September Meeting or other meeting called for that purpose, provided that the vote and the proposed changes have been publicized by a notice sent to each Member of the Nation in Good Standing at least ninety (90) days before the date of the vote. Such vote shall be conducted by the Election Committee.

B. Procedure for Proposing Amendments

- (1) Any Qualified Voter may propose Amendments to this Constitution to be voted on at the next Annual September Meeting.
- (2) The Election Committee shall hold a vote on any Amendment at the next Annual September Meeting if:
 - (a) the Qualified Voter proposing the Amendment, the Proposing Member, publicly states, at a Public Meeting of the Nation or other place authorized by the Tribal Council, the substance of the Amendment and his/her intention to request a Nation vote on the Amendment; and
 - (b) the Proposing Member obtains the signatures of at least eighty (80) Qualified Voters, who certify that the Amendment should be voted on by the Nation, and delivers them to the Election Committee at least ninety (90) days prior to the next Annual September Meeting.
- (3) If an Amendment passes by a two-thirds ($2/3$) vote, then it shall be added to this Constitution.

AMENDMENT #1

RATIFIED: NOVEMBER 1, 2003

The composition of the elected Tribal Council will change from fifteen (15) to ten (10) members in good standing. Further, the term of office for elected Council members will be reduced from the current six-year term to a four-year term. At the time of ratification, the amendment establishes a lottery of the ten members of the Nipmuc Nation Council in good standing. It creates two and four year terms of office leading to staggered terms of four years.

The above change effects wording in the following section(s):

- SECTION II: A. Tribal Government Composition
B. Terms of Office
J. Establishing a Fifteen Member Tribal Council with Staggered Terms of Office

(2) Election of Tribal Council Members

AMENDMENT #2

RATIFIED: NOVEMBER 1, 2003

Pursuant to the Constitution of the Nipmuc Nation, the eligibility age to participate on the Elders Council and serve in a capacity of the traditional government will change from 65 to 60.